THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.24303 of 2006

Dated: 22-11-2006

Between:

Showkath Ali.

..... PETITIONER

AND

The Government of Andhra Pradesh, rep. by its Principal Secretary, Hyderabad, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.24303 of 2006

ORDER:

The petitioner filed present writ petition seeking a writ of Mandamus declaring the action of the respondents in not taking steps to pay compensation for the damage suffered by him in the violent incidents after assassination of Sri Budda Vengal Reddy, ex-MLA of Atmakur on 11-08-1999 as illegal and arbitrary and for a consequential direction to the respondents to pay compensation as per the assessment made by respondent No.3, namely, the Mandal Revenue Officer (MRO), Atmakur, as stated by respondent No.2, namely, the District Collector in his proceedings dated 26-07-2000.

The petitioner is statedly owner of a cycle shop situated on Kurnool-Guntur road in Atmakur in Kurnool District. He alleges that on 11-08-1999, Sri Budda Vengal Reddy, ex-MLA, was shot dead by unidentified persons. In the aftermath on 12-08-1999, the followers of the decease Budda Vengal Reddy came to the petitioner's cycle shop and burnt the same with petrol. A complaint was given by the petitioner, which was registered as Crime No.58 of1999 under Sections 143, 427, 448 and 436 read with Section 34 of the Indian Penal Code, 1860(IPC). During the investigation, the Sub-Inspector of Police, Atmakur, recorded a panchanama noting that seventy-two bicycles and tires, tubes were burnt. The petitioner made a representation to respondent No.2. Acting upon the same, the District Collector submitted a report on 26-07-2000 to respondent No.1 recommending payment of ex-*gratia* to the petitioner. It is the case of the petitioner that even though considerable time is lost and even though he made a representation to Hon'ble Chief Minister in 2005, he has not been paid any compensation for the loss suffered by him during the antisocial activities after death of the ex-MLA.

The learned counsel for the petitioner strongly relies on the report of respondent No.2 dated 26-07-2000 and submits that the loss suffered by the petitioner was assessed at Rs.2,90,000/- and without any valid reason, respondent No.1 failed to take necessary action on the same. **Opposing** the writ petition, the learned Assistant Government Pleader for Revenue (General-A) submits that the writ petition is barred by delay and laches.

There is no denial that the unfortunate incident in which the ex-MLA was killed happened on 11-08-1999. There is no dispute that on a representation given by the petitioner, MRO submitted a report on 23-09-1999, as seen from the District Collector's letter, to the District Collector, who by letter No.Rc.C1.2007/M/99 dated 26-07-2000, while

reiterating the report of MRO, recommended to respondent No.1 for payment of ex-gratia to the petitioner. When the petitioner is aware of such recommendation by respondent No.2 to respondent No.1, nothing prevented him to pursue the matter with the Government or by filing appropriate writ petition before this Court. Curiously the petitioner kept quite all these years and it is only in November, 2005, he approached the office of the Hon'ble Chief Minister for redressal. The representation of the petitioner was forwarded for appropriate necessary action by respondent No.3 to respondent No.2, who recommended to respondent No.1 for payment of ex-gratia. The petitioner is also aware of the same. But in spite of the same and in spite of the fact that no orders are passed in his favour, he keeps quite for a period of one year and filed the present writ petition now. The claim of the petitioner, therefore, cannot be looked into in this writ petition. Filing of the writ petition is delayed without proper explanation and this Court is not inclined to entertain the same.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

22nd November, 2006
ghn